

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

John Parks Simpson and Freda Simpson, wife,)	
)	
Plaintiffs,)	
)	
v.)	
)	C.A. No. 3:09-CV-172-FDW-DSC
)	
Air Liquide America, LP, Celite Corporation,)	
Mine Safety Appliances Company, Porter)	
Warner Industries, LLC, Wesco)	
Refractoriers, inc., and John Doe 1-5,)	
)	
Defendants.)	

CONSENT MOTION TO COMPEL RELEASE OF PATHOLOGY MATERIAL

The above-captioned matter is set for trial in The United States District Court for the Western District of North Carolina for the week of January 10, 2011. Defendant Porter Warner Industries, LLC (“Defendant”) has requested the release of pathology material from Carolinas Medical Center, located at 1000 Blyth Blvd., Charlotte, NC 28203, and any pathology material that may be maintained at other locations for the medical center, including but not limited to Carolinas Medical Center – Mercy, located at 2001 Vail Avenue, Charlotte, NC 28207. The pathology material is being sought for the purpose of obtaining expert review. Plaintiff John Parks Simpson (“Plaintiff”) has also expressed to defense counsel his wish that he be afforded the opportunity to have an expert review the pathology material.

Therefore, with Plaintiff’s consent, Defendant hereby moves this Court to order Carolinas Medical Center to release any and all pathology materials in its possession pertaining to Plaintiff to Defendant’s attorneys.

Release of this material for the purpose of expert review is in the best interest of Plaintiff. Plaintiff's counsel contends that no prejudice will result to any party by the granting of this motion.

August 16, 2010

STIPULATED BY:

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